

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

**SESSION LAW 2014-26
HOUSE BILL 531**

AN ACT TO AMEND THE EXTRATERRITORIAL JURISDICTION AUTHORITY OF THE TOWN OF WEAVERVILLE, TO MAKE A SIMILAR TECHNICAL CORRECTION AS TO THE CITY OF ASHEVILLE, TO ALLOW THE COUNTY OF BUNCOMBE TO ZONE CERTAIN DONUT HOLES, TO REPEAL THE BUNCOMBE COUNTY CULTURE AND RECREATION AUTHORITY, AND TO ALLOW THE BOARD OF COMMISSIONERS OF HENDERSON COUNTY TO STANDARDIZE THE CEILING ON FIRE DISTRICT TAXES IN HENDERSON COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 160A-360 is amended by adding a new subsection to read:

"(n) The Town of Weaverville shall have no authority to exercise any power under this section outside its corporate limits."

SECTION 1.(b) Upon relinquishment of the jurisdiction over an area that the Town of Weaverville is regulating under Article 19 of Chapter 160A of the General Statutes, the city regulations and powers of enforcement shall remain in effect until (i) Buncombe County has adopted the regulation or (ii) a period of 120 days has elapsed following the effective date of this section, whichever is sooner. During this period, Buncombe County may hold hearings and take other measures that may be required in order to adopt county regulations for the area.

SECTION 1.(c) This section applies to the Town of Weaverville only.

SECTION 2. G.S. 160A-360(m), as it applies to the City of Asheville under S.L. 2013-30, reads as rewritten:

"(m) The City of Asheville shall have no authority to exercise any power under this ~~section.~~section outside its corporate limits."

SECTION 3.(a) G.S. 153A-342(d) reads as rewritten:

"(d) A county may determine that the public interest does not require that the entire territorial jurisdiction of the county be zoned and may designate one or more portions of that jurisdiction as a zoning area or areas. ~~A zoning area must originally contain at least 640 acres and at least 10 separate tracts of land in separate ownership and may thereafter be expanded by the addition of any amount of territory.~~ A zoning area may be regulated in the same manner as if the entire county were zoned, and the remainder of the county need not be regulated."

SECTION 3.(b) This section applies to the County of Buncombe only.

SECTION 4. S.L. 2013-262 is repealed.

SECTION 5.(a) G.S. 69-25.1 reads as rewritten:

"§ 69-25.1. Election to be held upon petition of voters.

Upon the petition of thirty-five percent (35%) of the resident freeholders living in an area lying outside the corporate limits of any city or town, which area is described in the petition and designated as " _____ Fire District," the board of

(Here insert name)

county commissioners of the county shall call an election in said district for the purpose of submitting to the qualified voters therein the question of levying and collecting a special tax on all taxable property in said district, of not exceeding fifteen cents (15¢) on the one hundred dollars (\$100.00) valuation of property, for the purpose of providing fire protection in said district. The county tax office shall be responsible for checking the freeholder status of those individuals signing the petition and confirming the location of the property owned by those individuals. Unless specifically excluded by other law, the provisions of Chapter 163 of the General Statutes concerning petitions for referenda and elections shall apply. If the voters reject



the special tax under the first paragraph of this section, then no new election may be held under the first paragraph of this section within two years on the question of levying and collecting a special tax under the first paragraph of this section in that district, or in any proposed district which includes a majority of the land within the district in which the tax was rejected.

~~The Board of Commissioners of a county may, by ordinance applicable to~~ Upon the petition of thirty five percent (35%) of the resident freeholders living in an area which has previously been established as a fire protection district and in which there has been authorized by a vote of the people a special tax not exceeding ten cents (10¢) on the one hundred dollars (\$100.00) valuation of property within the area, ~~the board of county commissioners shall call an election in said area for the purpose of submitting to the qualified voters therein the question of increasing the increase the maximum allowable special tax for fire protection within said district from ten cents (10¢) on the one hundred dollars (\$100.00) valuation to fifteen cents (15¢) on the one hundred dollars (\$100.00) valuation on all taxable property within such district. Elections on the question of increasing the allowable tax rate for fire protection shall not be held within the same district at intervals less than two years."~~

SECTION 5.(b) G.S. 69-25.4(a) reads as rewritten:

"§ 69-25.4. Tax to be levied and used for furnishing fire protection.

(a) If a majority of the qualified voters voting at said election vote in favor of levying and collecting a tax in said district, then the board of county commissioners is authorized and directed to levy and collect a tax in said district in such amount as it may deem necessary, not exceeding ten cents (10¢) on the one hundred dollars (\$100.00) valuation of property in said district from year to year, and shall keep the same as a separate and special fund, to be used only for furnishing fire protection within said district, as provided in G.S. 69-25.5.

~~Provided, that if a majority of the qualified voters voting at such elections vote in favor of levying and collecting a tax in such district, or vote in favor of increasing the tax limit in said district, Upon adoption of an ordinance pursuant to G.S. 69-25.1, then~~ the board of county commissioners is authorized and directed to levy and collect a tax in such districts in such amount as it may deem necessary, not exceeding fifteen cents (15¢) on the one hundred dollars (\$100.00) valuation of property in said district from year to year."

SECTION 5.(c) This section applies to Henderson County only.

SECTION 6. Section 1 of this act becomes effective July 1, 2014. Section 2 of this act is effective on and after April 17, 2013. Section 4 of this act becomes effective June 30, 2014. The remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 24th day of June, 2014.

s/ Daniel J. Forest
President of the Senate

s/ Thom Tillis
Speaker of the House of Representatives